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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,576	11/01/2000	Fukuharu Sudo	450101-02387	9090

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FROMMER LAWRENCE & HAUG
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NEW YORK, NY 10151

EXAMINER

HAN, QI

ART UNIT PAPER NUMBER

2654

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Replacement drawing sheet(s) included

Application No.

09/674,576

Applicant(s)

SUDO ET AL.

Examiner

Qi Han

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,6,7,9,11 and 23-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,6,7,9,11 and 23-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
_____ing the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/24/2005 has been entered.

Response to Amendment

2. The Applicant(s) amended claims 2-3, 6, 7, 9, 11, and 23-27, and add new claims 29-34 (see amendment: pages 2-8), and filed the RCE examination request, on 02/24/2005.

The examiner withdraws the rejection regarding claims 23 and 25-27 under 35 USC 112 1st, because the applicant amended the claims (see the amendment dated 02/24/2005, page 2-7).

Response to Arguments

3. Applicant's arguments with respect to claims 2,3,6,7,9,11 and 23-34 have been considered but are moot in view of the new ground(s) of rejection, since all the amended independent claims introduce new issue(s) and the arguments are based on the amended claims, (see detail in the claim rejection below).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2-3 recite the limitation "said client". There is insufficient antecedent basis for this limitation in the claim(s). It will be interpreted as "said terminal" hereinafter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2-3, 9, 11, 23, 25-27, 30 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Hedin et al. (US 6,185,535) hereinafter referenced as Hedin.

As per **claim 23**, Hedin discloses voice control of a user interface to service applications (title), comprising:

"a portable terminal configured to transmit input speech information to a server over a network" (Fig. 1a and column 4 line 44 to column 5 line 33, 'client part 101', 'server part 103',

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‘wireless mobile terminals (portable terminal)’, and ‘advanced mobile network’; Fig. 3 and column 2, lines 59-60, ‘the unrecognized portion of the audio input signal (input speech information) is formatted in a data unit that is communicated (transmitted) to a remote application part (server part)’);

“a server configured to receive the transmitted input speech information from said portable terminal, and to generate a contents list in response to input speech information”, (Fig. 3 and column 6 lines 20-39, ‘remote application part (RAP) 205(server), ‘external services and content (ESC) 207’; column 8 line 56 to column 9 line 57, ‘speech recognition’, ‘provide (generate) information and content over the Internet’; column 10, line 30 to column 11 line 40, ‘complete menu (corresponding to a contents list)’; column 14, lines 10-20, ‘the service might first present the user with a list of options (contents list)...’).

“wherein a first contents list is generated by calculating the similarity of acoustic characteristic quantities between first input speech information and category information corresponding to the first speech information of each content in the first content list”, (column 14, lines 10-20, ‘a weather information service (category information)’ ‘might first present the user with a list of options (contents list)’, ‘cities (is also category information)’; Fig. 3 and column 9, line 25 to column 11 line 41, ‘to perform speech recognition, the RAP’s exemplary ASR 307 includes the feature vector (read on acoustic characteristic quantities) extraction unit 309, a feature matching (read on calculating the similarity) and decision unit 311 and RAP reference database 313’, ‘in addition to being able to recognize isolated words, the RAP’s ASR 307 may also have capability of recognizing (calculating similarity of acoustic characteristic quantities) continuous speech’),

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“and if second input speech information is received, then the category information of at least one content included in the first contents list is used when calculating similarity”, (column 15, lines 5-16, ‘the user then speaks the city name (second input information)...for speech recognition and further processing (calculating similarity)’, wherein the user entered city corresponds to one content in the list and reflects category information).

As per **claim 2** (depending on claim 23), Hedin further discloses “said terminal [client] includes speech recognition means for performing speech recognition on said input speech information”, (column 4, line 66 to column 5, line 11, ‘the client (terminal) part 101 includes a simple ASR (automatic speech recognition), ‘a menu item’, ‘recognizing a small number isolated words (read on input speech information)’).

As per **claim 3** (depending on claim 23), Hedin further discloses “said server includes speech recognition means for performing speech recognition on said input speech information received from said terminal [client] over the network, (column 9 lines 1-67, ‘an ASR 307 that will recognize the TP audio encoded words’, ‘able to recognize isolated words, ... may also have capability of recognizing continuous speech’ that includes input speech information).

As per **claim 25**, it recites a portable terminal for a content selection system. The rejection is based on the same reason described for claim 23, because claim 25 recites the same or similar limitation(s) as claim 23.

As per **claim 9** (depending on claim 25), the rejection is based on the same reason described for claim 2, because claim 9 recites the same or similar limitation(s) as claim 2.

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As per **claim 26**, it recites a server for a content selection system. The rejection is based on the same reason described for claim 23, because claim 26 recites the same or similar limitation(s) as claim 23.

As per **claim 11** (depending on claim 26), the rejection is based on the same reason described for claim 3, because claim 11 recites the same or similar limitation(s) as claim 3.

As per **claim 27**, it recites a content selection method. The rejection is based on the same reason described for claim 23, because claim 27 recites the same or similar limitation(s) as claim 23.

As per **claim 30** (depending on claim 23), Hedin further discloses “said server requests the input speech information associated with a specified category”, (Fig. 3 and column 15, lines 55-56, ‘interactive voice controlled services’; column 15, lines 10-11, ‘device says: “Enter city name” (requested input speech information associated with a category of city)’).

As per **claim 33** (depending on claim 26), the rejection is based on the same reason described for claim 30, because the claim recites the same or similar limitation(s) as claim 30.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedin in view of Ladd et al. (US 6,493,671) hereinafter referenced as Ladd.

As per **claim 6** (depending on claim 2), Hedin does not expressly disclose a verifying mechanism for speech recognition as the claimed “said speech recognition means includes means for verifying whether or not the speech recognition on said input speech information has been made correctly, such that if the speech recognition is verified by said verification means to be made correctly, then said input speech information, processed with the speech recognition means, is output, and if the speech recognition is verified by said verification means not to be made correctly, then speech recognition to output the speech information processed with said speech recognition means.” However, this feature is well known in the art as evidenced by Ladd who discloses a markup language for interactive service to notify a user of an event and methods thereof, comprising a voice browser 250 (Fig. 3) (column 7, line 6) and an automatic speech recognition (ASR) unit 254, 12-37), and the “DIALOG” element and the associated “STEP” element of a markup language define a dialogue interpretation between the voice browser and user, including “confirm” element (column 18, lines 1-39) for allowing user verifying the spoken content. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hedin by specifically providing a verifying mechanism for speech recognition, as taught by Ladd, for the purpose of increasing speech recognition accuracy.

As per **claim 7** (depending on claim 3), the rejection is based on the same reason described for claim 6, because claim 7 recites the same or similar limitation(s) as claim 6.

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7. Claims 24, 28, 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedin in view of Milsted et al. (US 6,263,313 B1), hereinafter referenced as Milsted.

As per **claim 24** (depending on claim 23), Hedin fails to expressly disclose that “the contents selection information includes categories for title, performer, and genre”. However, this feature is well known in the art as evidenced by Milsted who discloses method and apparatus to create encoded digital content (title), comprising determining the genre of the music selected (column 66, lines 53-54) and a simple browser interface with list of titles, performers or new releases to select from (column 74, lines 39-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hedin by specifically providing categories for title, performer, and genre, as taught by Milsted, for the purpose of increasing flexibility of selecting contents.

As per **claim 28** (depending on claim 27), the rejection is based on the same reason described for claim 24, because the claim recites the same or similar limitation(s) as claim 24.

As per **claim 31** (depending on claim 30), the rejection is based on the same reason described for claim 24, because the claim recites the same or similar limitation(s) as claim 24.

As per **claim 34** (depending on claim 33), the rejection is based on the same reason described for claim 24, because the claim recites the same or similar limitation(s) as claim 24.

8. Claims 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedin in view of Ranger (US 5,999,940).

As per **claim 29** (depending on claim 23), Hedin does not expressly disclose that “said server sends the contents list to said portable terminal if the contents list determined using

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thresholds". However, this feature is well known in the art as evidenced by Ranger who discloses interactive information discovery tool and methodology (title), and teaches that 'web server ... performs a hit analysis of the query result' and 'a predefined threshold parameter 'N' 'indicates how many contents items must be present in order to trigger the automatic content analysis (column 19, lines 40-52, and Fig. 7 block 700). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hedin by specifically providing a predefined threshold parameter for the query result of the contents, as taught by Ranger, for the purpose of triggering the automatic content analysis (Ranger: column 19, lines 51-52).

As per **claim 32** (depending on claim 26), the rejection is based on the same reason described for claim 29, because the claim recites the same or similar limitation(s) as claim 29.

Conclusion

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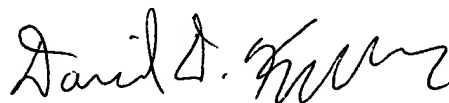
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (703) 305-5631. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (703) 305-9645.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

QH/qh
May 13, 2005



DAVID D. KNEPPER
PRIMARY EXAMINER